

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

**4:22CR3034**

vs.

RICHARD GARZA,

**ORDER**

Defendant.

The case was previously tried from October 10, 2023 to October 17, 2023. The jury was unable to reach a verdict as to Count I of the Superseding Indictment. Defendant's trial counsel withdrew with leave of the court, and Defendant is now represented by appointed counsel. After conferring with counsel,

**IT IS ORDERED:**

- 1) The pretrial motion deadline is January 8, 2024
- 2) Count I of the Superseding Indictment will be re-tried before the Honorable John M. Gerrard, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on February 26, 2024, or as soon thereafter as the case may be called, for a duration of five (5) trial days. Jury selection will be held at commencement of trial.
- 3) Expert witness disclosures as required under Rule 16 must be served on or before February 16, 2024.
- 4) With Defendant's consent, the time between October 17, 2023 and today's date and February 26, 2024 shall be deemed excludable time in any computation of time under the requirements of the

Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

November 7, 2023.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge